

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **11/09/2010**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Boggs**

May Contact:

Drafter: **mkunkel**

Subject: **Higher Education - UW System**

Addl. Drafters:

Extra Copies: **PG**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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### **Pre Topic:**

DOA:.....Boggs, BB0115 -

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### **Topic:**

Change laboratory modernization and School of Business appropriations to continuing appropriations

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	mkunkel 11/09/2010	nmatzke 11/24/2010	mduchek 11/24/2010	_____	mbarman 11/24/2010		

FE Sent For:

**<END>**

**2011 DRAFTING REQUEST**

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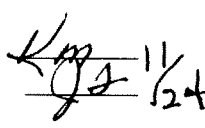
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See attached

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/?	mkunkel	/p1 nwn 11/24					

FE Sent For:

<END>

**Kunkel, Mark**

-0380

**From:** Hanaman, Cathlene  
**Sent:** Monday, November 08, 2010 4:57 PM  
**To:** Grant, Peter; Kunkel, Mark  
**Subject:** FW: Statutory Language Drafting Request

**From:** DOADLBASADMININTERNETSHAREPOINT@WI.GOV  
 [mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]  
**Sent:** Monday, November 08, 2010 4:56 PM  
**To:** Hanaman, Cathlene  
**Cc:** Shayna.Hetzel@wisconsin.gov; Thornton, Scott - DOA; Hanle, Bob - DOA  
**Subject:** Statutory Language Drafting Request

Topic: Change Laboratory Modernization and School of Business PR Appropriations to Continuing

Tracking Code: BB0115

SBO Team: ECF

SBO Analyst: Breann Boggs  
 Phone: (608) 266-2843  
 E-mail: Breann.Boggs@wisconsin.gov

Agency Acronym: UW

Agency Number: 285

Priority: High

Intent:

The UW System recommends a modification of the appropriations for laboratory modernization [s. 20.285(1) (Lm), Wis. Stats.] and the schools of business [s. 20.285(1)(Ls), Wis. Stats.] to create continuing appropriations. Both of these appropriations are funded with academic student fees which is a continuing appropriation. The current lack of flexibility in these appropriations creates difficulties for programs supported with these resources as the timing of projects (especially for laboratory modernization) and of funding matches can delay construction and expenditure.

Attachments: False

20.285(1)(Lm) & (Ls)

From moneys received as

academic student fees,

the amounts in the

schedule ...

→ Sum certain annual apprs.

- expendable only in FY  
 lapses at end of FY

→ Continuing -  
 expendable until fully depleted  
 & does not lapse

- "as a contig appr..."  
 OR

"all moneys from ..."

See e.g.

20.370(1)  
 (1v)?

As a contig appr,

11/9/2010 from moneys ...  
 the amounts in schedule ...?

**2011-2012 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB  
.....

from RCT

The budget request deals with two existing program revenue appropriations. Each one receives a portion of the money from the same revenue source. (There is a third appropriation that receives all of the money from that source that is not otherwise appropriated.) The amount of money that goes into the two appropriations is determined by the amounts in the schedule (rather than a percentage of the revenue source, for example). Under current law, any unexpended money at the end of a fiscal year does not lapse, but in each fiscal year the agency is limited to spending the amounts in the schedule for that fiscal year. The agency wants to be able to spend any balance in the account at the beginning of a fiscal year plus the amounts in the schedule -- so what they want is a program revenue continuing appropriation that is also a sum certain (amounts in the schedule) appropriation.

Section 20.001 (2) (b) does not appear to be consistent with this request. The problem is that the phrase "which is limited to the amounts in the schedule" in s. 20.001 (2) (b) is not clear, but the statute seems to mean any program revenue appropriation that includes the phrase "the amounts in the schedule" is only expendable up to the amounts in the schedule. On the other hand, s. 20.001 (3) (c) indicates that a sum certain continuing appropriation (which would include the phrase "the amounts in the schedule" and the introductory phrase "as a continuing appropriation") is a continuing appropriation, so that if there is a balance at the beginning of a fiscal year, the agency may expend that balance plus the amounts in the schedule. The way to comply with the budget request is to make it clear that a sum certain program revenue appropriation is only "limited to the amounts in the

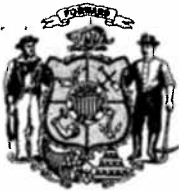
schedule” if it is not a continuing appropriation. If it is a continuing appropriation, s. 20.001 (3) (c) then clearly controls.

**SECTION 1.** 20.001 (2) (b) of the statutes is amended to read:

20.001 (2) (b) *Program revenues.* “Program revenues” consist of revenues which are paid into the general fund and are credited by law to an appropriation to finance a specified program or state agency. In this chapter, “program revenues” refers to program revenues in the general fund. Program revenues are identified by the abbreviation “PR” in s. 20.005. For any sum certain program revenue appropriation ~~which is limited to the amounts in the schedule that is not a continuing appropriation~~, no expenditures may be made exceeding the amounts in the schedule, except as provided in ss. 13.101 and 16.515, regardless of the amounts credited to that appropriation account. They shall be deposited pursuant to s. 20.906. Notwithstanding any other provision of this chapter, program revenues shall be used to reimburse the general fund for payments transferred under the appropriations made in s. 20.865 for the purposes of program revenue appropriations.

from PCT

The treatment of s. 20.001 (2) (b) clarifies that it is possible to have a program revenue sum certain ( "amounts in the schedule") appropriation that is expendable until depleted. Currently, the statutes clearly provide for a GPR sum certain continuing appropriation. This treatment simply ensures that the statutes clearly provide for a program revenue sum certain continuing appropriation.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0380/P1

MDK nwn

DOA:.....Boggs, BB0115 - Change laboratory modernization and School of Business appropriations to continuing appropriations

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

INSERT 1A

SA ✓  
X-ref ✓

the budget

don't gen.

- 1 AN ACT ...; relating to: changing certain University of Wisconsin System
- 2 appropriations to continuing appropriations and making appropriations

**Analysis by the Legislative Reference Bureau**

**EDUCATION**

**HIGHER EDUCATION**

Under current law, specified amounts received from academic students fees are appropriated annually to the University of Wisconsin System Board of Regents for laboratory modernization and improvements in master's level business programs. ~~The~~ appropriations are annual appropriations from program revenue receipts. Therefore, if an amount appropriated for a fiscal year is not encumbered in that fiscal year, the unencumbered amount ~~reverts to the general fund~~. This bill changes the appropriations from annual to continuing appropriations, which are expendable until fully depleted.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

INSERT 1B

INSEPT 2-1

1 SECTION 1. 20.285 (1) (Lm) of the statutes is amended to read:

2 20.285 (1) (Lm) *Laboratories*. ~~From~~ As a continuing appropriation, from  
3 moneys received as academic student fees, the amounts in the schedule for  
4 laboratory modernization.

**History:** 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460; 2007 a. 20 ss. 248m to 262, 9121 (6) (a); 2009 a. 28 ss. 211, 215, 253m to 262m; 2009 a. 190, 265.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 2. 20.285 (1) (Ls) of the statutes is amended to read:

6 20.285 (1) (Ls) *Schools of business*. ~~From~~ As a continuing appropriation, from  
7 moneys received as academic student fees, the amounts in the schedule to support  
8 improvements in master's level business programs under s. 36.25 (28).

**History:** 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460; 2007 a. 20 ss. 248m to 262, 9121 (6) (a); 2009 a. 28 ss. 211, 215, 253m to 262m; 2009 a. 190, 265.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 (END)



**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0380/Plins  
MDK:.....

**INSERT 1A:**

no # may not be expended until the legislature authorizes the expenditure ✓

**INSERT 1B:**

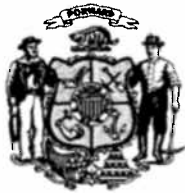
no # The bill also clarifies the definition of a program revenue appropriation to ensure that the bill's changes to those UW appropriations are effective. ✓

**INSERT 2-1:**

✓  
**SECTION 1.** 20.001 (2) (b) of the statutes is amended to read:

20.001 (2) (b) *Program revenues.* "Program revenues" consist of revenues which are paid into the general fund and are credited by law to an appropriation to finance a specified program or state agency. In this chapter, "program revenues" refers to program revenues in the general fund. Program revenues are identified by the abbreviation "PR" in s. 20.005. For any sum certain program revenue appropriation ~~which is limited to the amounts in the schedule~~ that is not a continuing appropriation, no expenditures may be made exceeding the amounts in the schedule, except as provided in ss. 13.101 and 16.515, regardless of the amounts credited to that appropriation account. They shall be deposited pursuant to s. 20.906. Notwithstanding any other provision of this chapter, program revenues shall be used to reimburse the general fund for payments transferred under the appropriations made in s. 20.865 for the purposes of program revenue appropriations. ✓

**History:** 1973 c. 333; 1977 c. 29, 418; 1979 c. 34; 1981 c. 20; 1983 a. 27, 538; 1985 a. 135 s. 85; 1985 a. 332 s. 253; 1987 a. 4; 1989 a. 31; 1993 a. 16; 1995 a. 27; 2001 a. 16; 2005 a. 25; 2007 a. 20.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0380/P1  
MDK:nwn:md

DOA:.....Boggs, BB0115 - Change laboratory modernization and School of  
Business appropriations to continuing appropriations

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**HIGHER EDUCATION**

Under current law, specified amounts received from academic student fees are appropriated annually to the UW System Board of Regents for laboratory modernization and improvements in master's level business programs. Those UW appropriations are annual appropriations from program revenue receipts. Therefore, if an amount appropriated for a fiscal year is not encumbered in that fiscal year, the unencumbered amount may not be expended until the legislature authorizes the expenditure. This bill changes those UW appropriations from annual to continuing appropriations, which are expendable until fully depleted. The bill also clarifies the definition of a program revenue appropriation to ensure that the bill's changes to those UW appropriations are effective.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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20.285 (1) (Lm) *Laboratories.* ~~From~~ As a continuing appropriation, from  
moneys received as academic student fees, the amounts in the schedule for  
laboratory modernization.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 3.** 20.285 (1) (Ls) of the statutes is amended to read:

20.285 (1) (Ls) *Schools of business.* ~~From~~ As a continuing appropriation, from  
moneys received as academic student fees, the amounts in the schedule to support  
improvements in master's level business programs under s. 36.25 (28).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)